

REMARKS

The Office Action, dated October 31, 2007, has been reviewed and the Examiner's comments carefully considered. The present Amendment modifies claims 1, 39, 40 and 43 all in accordance with the originally-filed specification. No new matter has been added. Accordingly, claims 1-43 remain in this application, and claims 1, 39 and 40 are in independent form. Applicant submits that the following arguments and amended claims clearly demonstrate the novel and non-obvious differences between the present invention and the cited prior art.

Amended Claims Discussion

The Applicant has carefully considered the references of the Examiner. The Applicant has first modified all independent claims 1, 39, and 40 to more clearly illustrate some of the benefits of the invention. The amendments "A method for ~~hosting~~ conducting," helps to now assist on focusing on the summary business needs discussed throughout the application. At least a portion of the fundamental and patentable novelty of the present invention in terms of the "conducting" methodology is set forth in the Abstract (*see* field (57)) of the Applicant's published application WIPO WO 00/39694 A1 (hereinafter "application", "specification" or "system") with: "A method and system for conducting multiple Internet-based conventions, events, conferences, trade shows and meetings".

Next, all independent claims (appropriate use and multiple treatment in steps a and c of claims 1 and 40; and, steps a and d of claim 39) have been modified with respect to the term "policy". To provide additional clarification to the present invention, "policy" in these claims has now been amended to read "at least one ~~hosting~~ convention activity policy". References to "convention activity" are thorough and can be found initially set forth in the Abstract (*see* field (57)) of the Applicant's published application with: "wide array of convention activity simulated with the program instructions and the databases." (emphasis added). Further references with respect to "convention activity" have been fully detailed in the application and include page 3, line 9; page 4, lines 36-37; page 17, line 14; page 40, line 17; and, page 40, line 31 through page 41, line 8. Also, "convention activity" has been depicted in Figures 5-9 in the application. References to the initial use of the term "policy" have been fully detailed in the prior amendments and remarks to this application. Making use of the term "convention activity policy" also corroborates the extensive business method

characteristics of the claims; thus, the “convention activity policy” enforces the participation in convention activity by the central website server system processing.

Independent claims 1 and 40, step c, and the similar process step d of independent claim 39, have each been further amended to now read or include: “processing the selection at the central website server by virtual convention website program instructions using the at least one ~~hosting~~ convention activity policy to determine participation in convention activity and use of the convention content information in a virtual convention venue, a physical convention venue or any combination thereof; and”. The amendment terms “using the at least one ~~hosting~~ convention activity policy” is detailed and referenced directly above.

Next, a new step has been added to all independent claims – as process step d. in claims 1 and 40, and the similar process step e of independent claim 39 – that includes: “processing the selection at the central website server by virtual convention website program instructions using the at least one convention activity policy to differentiate the navigational flow and use of the convention content information among an array of convention activity.”

At least a portion of the fundamental and patentable novelty of the present invention includes the ability “to differentiate the navigational flow and use of the convention content information,” as set forth in the Applicant’s published specification at page 15, lines 20-26, with: “These program instructions 400 comprise the information input, processing and output procedures including but not limited to receiving queries, control parameters and content information from any of the three client types, processing in terms of differentiating and storing the information, and releasing appropriate and formatted information.” (emphasis added). At page 29, lines 25-26, the specification reads: “the attendee client 101 follows the program flow control and web page display instructions” (emphasis added). The navigational flow control and convention content information can be further referenced in many areas of the Applicant’s published specification, including page 42, lines 9-29; page 15, lines 11-16; page 16, lines 25-29; and, page 17 lines 4-8. Finally, at least a portion of the fundamental and patentable novelty of the present invention is the use of an “array of convention activity” methodology set forth in the Abstract (*see* field (57)) of the Applicant’s published application, with: “the central website server (200) releases stored database convention information and provides a wide array of convention activity simulated with the program instructions and the databases. Thus, the system allows the creation of a ‘virtual convention

venue' for conventions that exist only on the central website server (200) and available using the Internet (104). Additionally, the system supports and augments a convention being held in a physical or venue-based center (e.g., Moscone Center in San Francisco)." (emphasis added).

In further substantiation of the now-claimed "to differentiate the navigational flow and use of the convention content information" and "array of convention activity", Applicant also draws the Examiner's attention to the following sitemap flow diagrams and the subsequent supporting descriptions within the Applicant's published specification.

- convention registration: Figure 5, step 530; Figure 6, step 610; Figure 7A, step 710.
- plug-in's and downloads: Figure 6, step 605.
- convention housing activity: Figure 7A, step 710; Figure 7B, step 760.
- session attendance: Figure 3, step 360; Figure 5, step 535; Figure 6, step 620; Figure 7A, step 720.
- forum attendance: Figure 3, step 360; Figure 5, step 535; Figure 6, step 625; Figure 7A, step 725.
- exhibit booth display visits: Figure 3, steps 320 and 330; Figure 5, step 530; Figure 6, step 615; Figure 7A, step 715; Figure 9; Figures 10A-10J.
- event schedule viewing: Figure 6, step 645; Figure 7A, step 750.
- venue map screening: Figure 7B, steps 770, 780 and 785.
- paper presentations: Figure 3, step 380; Figure 6, steps 635 and 640; Figure 7A, steps 740 and 745; Figure 8, step 830.
- proceedings presentations: Figure 3, step 380; Figure 6, step 640; Figure 7A, step 745; Figure 8, step 830.
- membership enrollment: Figure 7A, step 735 and 736.
- convention travel arrangements: Figure 7B, step 760.

These above amendments to the Applicant's claims are significant, attend to the Examiner's citations and comments, and also further demonstrate the novel and non-obvious nature of the presently-claimed invention.

Double Patenting Rejection

The Examiner has provisionally rejected claims 1-43 under the judicially created doctrine of double patenting in view of claims 1-158 of co-pending Application Serial No. 09/809,595 to Applicant. Applicant notes that this rejection is provisional, and therefore will address this matter when the conflicting claims in the co-pending application have been patented.

35 U.S.C. §103 Rejections

Claims 1-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Salesky et. al (U.S. Patent No. 6,343,313) (hereinafter "the Salesky patent" or "system") in view of Fusz et. al (U.S. Patent No. 7,133,835) (hereinafter "the Fusz patent" or "system"). In view of the foregoing amendments to the claims, as well as the following remarks, Applicant requests reconsideration of these rejections.

In previously-filed responses in this application, which are incorporated by reference into this Amendment, Applicant has presented conflicting and principal differences between the present invention and the Salesky patent. These points continue to be relevant and include at least the following: dissimilar elements/topologies, dissimilar primary computer system applications and dissimilar intended use of convention content information.

In paragraph 7 of the present Office Action, the Examiner cited several references from the Salesky patent that allegedly suggest the features of the independent claims of the application. Almost all of the citations have been addressed and argued in previously-filed responses in this application, which are incorporated by reference into this Amendment. In the following paragraphs, the Applicant points out how the amended language of the claims patentably distinguishes them from the references.

The Examiner's reference to column 29, lines 62-63 of the Salesky patent is directed solely to system server command processes between the Meeting manager 32 process and the Server manager 36 process within and pertaining to the Communications session server (CSS). The Applicant's process of online loading of "at least one convention activity policy and convention content information for the at least one convention" and "electronically storing in convention venue databases" by a "meeting planner client" patentably distinguishes this process from this reference. To further distinguish the Applicant's invention from the communication processes pertaining to the Meeting manager

32 process and the Server manager 36 process within the CSS of the Salesky patent, the Applicant's amended process step c and added new process step d make the distinctions of the processing in terms of using the meeting planner-loaded convention activity policy to determine participation of the attendee in convention activity and use of the convention content information, together with differentiating the navigational flow and use of the convention content information at the website server among an array of convention activity. There is neither such processing nor an array of convention activity pertaining to the CSS, or anywhere within the Salesky system.

The Examiner's reference to column 30, lines 15-24, "potential conferee" of the Salesky patent also pertains to the system command processes interconnected with the CSS of the Salesky patent. Applicant has argued and documented that, in all cases, the Salesky system first initiates a unique communicants machine for the conferee with a relay and data block transformation software component in processing with and by the CSS. Although the communicant of the Salesky system starts as a web browser computer, this first-step initialization is mandatory for processing at the CSS. The Applicant's use of the claimed meeting planner client and attendee client with web browser computers, together with the processing of the Applicant's amended process step c and new process step d, distinguishes these elements and processes from the Salesky system, where unique communicants machines (operating elements) are necessary for the CSS processes of the Salesky patent. Additionally, column 29, lines 62-63 and column 30, lines 15-24 of the Salesky patent lack any suggestion that the communicants machines be un-initialized to a manner required to meet the steps set forth in the independent claims of the present application.

The Examiner's reference to (14, fig 1; col 9, lines 64-67, col 30, lines 15-24) of the Salesky patent involves decentralized synchrony processes in the system, with a relay and data block transformation software component. To further distinguish the Applicant's invention from the relay communication processes of the Salesky patent, the Applicant's amended process step c and new process step d make the distinctions of precise processing in terms of using the meeting planner-loaded convention activity policy to determine participation of the attendee in convention activity and use of the convention content information, together with differentiating the navigational flow and use of the convention content information at the website server among an array of convention activity. The claimed

process of the Applicant is significantly unlike the decentralized synchrony processes in the Salesky system.

With respect to the Examiner's reference to (record a session for later playback, col 24, lines 66-67 – col 35, lines 1-10, and col 29, lines 34-37, several meetings) of the Salesky patent, the Applicant's amended, claimed process of online loading of "at least one hosting convention activity policy and convention content information for the at least one convention" and "electronically storing in convention venue databases" by a "meeting planner client" patentably distinguishes this process from this reference. There is no loading of such a "convention activity policy" by a meeting planner client in the Salesky system.

The Examiner's reference to (17, 14, fig 2, col 8, lines 34-41) of the Salesky patent is directed at locator services prior to connecting to Conference server 14, but at lines 42-43: "allows the attendee client conferencing software to start and to connect to conference server 14 itself". This is a two-step process in the Salesky system with the locator services, followed by the connection to the CSS. Applicant's claim process of "receiving, from the at least one attendee client with a web browser computer at the central website server" distinguishes this process from this reference in that the incorporated terms "at the central website server" specifies a process wholly occurring "at the central website server".

The Examiner's reference to column 8, lines 34-45 of the Salesky patent pertains to the communications session handshake and the unique relay process of "Commands", "Pointer position", "Screen updates" and "Other services" of the Salesky system. The Applicant's specification of "convention content information of the at least one convention" used in claimed step b - and earlier stored in claimed step a in "convention venue databases at a central website server" - distinguishes from the specialized-relay-process content information such as "Commands", "Pointer position", "Screen updates", and "Other services," which are passed through the CSS from-and-to the unique communicants machines for the conferees.

The Examiner next references (14, fig 1, col 1, lines 49-64) and (col 2, lines 1-28) of the Salesky patent. Further, on page 6 of the Office Action, the Examiner wrote "Salesky does not explicitly teach virtual convention website instructions using the at least one hosting policy to determine participation in convention activity and use of the convention content information," followed by references to (Exchange site, 26, fig 1) and (exchange system, col 4, lines 3-33, lines 51-61) of the Fusz patent. To attend to the Examiner's

comments and references, Applicant amended claim step c and added claim step d. The Applicant's amended process step c and new process step d make the distinctions of precise processing in terms of using the meeting planner-loaded convention activity policy to determine participation of the attendee in convention activity and use of the convention content information, together with differentiating the navigational flow and use of the convention content information at the website server among an array of convention activity.

The claimed terms and processes of the Applicant's system are significantly unlike the decentralized "computer conferencing system" terms and processes in the Salesky system, and unrelated to the "online exchange market system with a buyer auction and a seller auction" in the Fusz patent. In order to establish a *prima facie* case of obviousness, there must be a reason apparent to a person having ordinary skill in the art, to modify the reference or combine reference teachings, and there must be a reasonable likelihood of success in doing so. See MPEP § 2143; *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Respectfully, the Applicant further argues that the "client machines of the "communicants" (operating elements) necessary for the CSS server processes of the Salesky system would not work with the "exchange site" or "exchange system" of the Fusz system, which specifies "personal computers" (col 3, lines 42-45); thus, it would be technologically impossible to combine the references in the manner suggested. In other words, the specialized computer of the Salesky patent would not work in the context of the Fusz system, or vice versa. Because there is no reason to modify or combine references in such a way, and there would be no success in doing so, there is a clear deficiency in the *prima facie* case in support of this rejection. Additionally, when interpreting the patentability of a claim, the law requires that a reference be considered for all of its teachings, including disclosure that diverges and teaches away from the invention at hand as well as disclosures that point toward and teach the invention. *In re Dow Chem. Co.*, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988).

The Examiner equates original claimed step d to the aspect of recording presentation or lecture or video-mail (17, 14, fig 2, col 7, lines 10-20; col 8, lines 34-45 of the Salesky patent) and having a server provide information that allows attendee client conferencing software to start and connect to the conference). The description of Figure 2, starts at column 8, line 30 of the Salesky patent, and includes the Examiner's referenced column 8, lines 34-41. This reference is directed at locator services prior to connecting to

Conference server 14, then at column 8, lines 41-43: “allows the attendee client conferencing software to start and to connect to conference server 14 itself...” (emphasis added). The conference server 14 is providing to the conferee client 17 exactly what is shown in the flowchart box on Figure 2 with the first arrow back from conference server 14 – where the box states: “Conferee computer initiates system client software”. (emphasis added). The Applicant asserts that the “system client software” is as presented, and not extended in terms of the Examiner’s notation “server provides information that allows attendee client conferencing software to start and connect to the conference”. The “selected convention content information” of the Applicant’s specification in amended process step e (previous step d) is not the same or comparable to the “system client software” of the Salesky patent. Also, process step a of the independent claims of the present application, in addition to the considerable specification material, affirms that the “convention content information” is first up-loaded by the “meeting planner client with a web browser computer,” which patentably distinguishes such content from the referenced non-up-loaded “system client software” already stored on the CSS of the Salesky system, and further distinguishes such content from the referenced “record presentation or lecture or video-mail” up-loaded to the CSS by a unique communicants machine, after it has been first down-loaded and initialized with the “system client software”. Finally, the Applicant’s use of the claimed attendee client selection together with the processing the Applicant’s amended process step c and new process step d, distinguishes the “use of the convention content information” element with two processes prior to process step e (previous step d).

On page 6 of the Office Action, the Examiner references that the Salesky patent discloses that “[a]t the time of setup, one or more password character strings (“keys”) can be specified for the conference (hosting policy).” Applicant has now amended claim step a and claim step c, along with added new claim step d, so that a “convention activity policy” is set forth instead of a hosting policy. On column 2, lines 8-15 of the Salesky patent: “The key that a conferee gives at the time of attempting to connect to the conference server determines whether that conferee will be allowed access to the conference and what the conferee's initial privileges will be for participating in the conference and for modifying the setup of the conference.” (emphasis added). Hence, to connect to the conference server, the conferee needs a key. Respectfully, this is not comparable with the claims of the Applicant – there is no such processing in the Applicant’s system where the meeting planner client or the

attendee client "gives at the time of attempting to connect to the conference server" such a "key." Within the Applicant's claimed invention, the meeting planner pre-loads the convention activity policies out on the server. Then, when the attendee client arrives at the website, he/she has no key with them. The attendee processing at the server in terms of the convention activity is based on the pre-loaded policies stored on the server within the virtual convention venue databases. It is clear from amended claim step a, claim step c and added claim step d of the independent claims that the at least one convention activity policy is pre-loaded on the database. Therefore, the claimed processes of the Applicant patentably distinguishes them from the key-to-connect processes in the Salesky system.

Conclusion

The claimed invention solves many fundamental problems and introduces functions missing in early website work and patents, and is a significant contribution to the state of the art with respect to conducting or augmenting a convention. For the foregoing amendments and reasons, none of independent claims 1, 39, and 40 are anticipated by or rendered obvious over the prior art of record, either alone or in combination.

In particular, none of the prior art of record makes the distinction or discloses the claimed concept of the precise processing in terms of using the meeting planner-loaded convention activity policy to determine participation of the attendee in convention activity and use of the convention content information, together with differentiating the navigational flow and use of the convention content information at the website server among an array of convention activity. Notwithstanding Applicant's aforementioned arguments, because this underlying claimed aspect is not found in either the Salesky or Fusz patents from an anticipation standpoint, the overall obviousness rejection cannot stand.

Accordingly, Applicant respectfully request that the Examiner withdraw the obviousness rejections with respect to claims 1, 39 and 40. Claims 2-28 and 43 depend from and add further limitations to respective amended independent claims 1, 39, and 40 or a subsequent dependent claim and are believed to be patentable for the reasons discussed hereinabove in connection with amended independent claims 1, 39, and 40. Reconsideration of the rejections and allowance of all pending claims are respectfully requested. Applicant hereby requests an interview with the Examiner should the Examiner maintain his rejections in view of the claim amendments and arguments. In this regard, the Examiner is invited to

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contact the undersigned in order to discuss the best manner in moving this case towards allowance.

Respectfully submitted,

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